IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 12162 of 2007(W)

PETITIONER:

P.C.SADANANDAN, AGED 48 YEARS,
S/O CHATHU EZHUTHACHAN, PEON, U.P.SCHOOL,
PALAKKODE, KOTHAKKURISSI, P.O.CHERUMPATTAKKAVU,
PALAKKAD-679 501 (RESIDING AT PALISSERY HOUSE,
P.O.PANAMANNA OTTAPPALAM, PALAKKAD DISTRICT)

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

---

1. THE STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD.

3. THE ASSISTANT EDUCATIONAL OFFICER,
OTTAPPALAM, PALAKKAD DISTRICT.

4. THE MANAGER,
U.P.SCHOOL, PALAKKODE, KOTHAKKURISSI,
P.O.CHERUMPATTAKKAVU, PALAKKAD-679 501.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.K.RAVI (PARIYARATH)
SRI.R.JAYACHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

- -

W.P(C) No.12162 of 2007

- -

Dated this the 12th day of July, 2007.

J U D G M E N T

Petitioner was placed under suspension while he was working as Peon in the school under the management of respondent No.4. Subsequently he was ordered to be reinstated by the Asst. Educational Officer and the said order was later confirmed by the Government in Ext.P2.

2. The grievance of the petitioner is that he is still not being reinstated. He therefore prays that appropriate direction may be issued in this regard.

3. Though several contentions have been urged by the petitioner in support of his plea that he is entitled to be reinstated, the primary contention is that respondent No.1 need not have passed Ext.P2 on representation submitted by the petitioner, especially when the revision petition filed by the Manager was pending consideration.

4. A perusal of Ext.P2 order and the other materials on record reveals that the revision petition filed by the Manager (Ext.R4(c)) was in fact pending at the time when the Government passed Ext.P2 order. It appears that the Manager has now preferred a Review Petition against Ext.P2 order , a copy of which is on record as Ext.R4(h). That petition is also pending consideration before the Government.

5. The net result is that petitioner has been denied

reinstatement because of the lapse on the part of respondent No.1. If only respondent No.1 had taken a little more care to hear the revision petition filed by the Manager along with the representation while passing Ext.P2 order, this entire delay and confusion could have been avoided. Anyway as things stand now, the only efficacious way out is to issue a direction to respondent No.1 to take up the revision petition and the Review Petition filed by the Manager for consideration forthwith and take a decision thereon. Ext.P2 has to be treated as infructuous.

6. In the above facts and circumstances the writ petition is disposed of with a direction to respondent No. 1 to consider and pass orders on Exts.R4(c) and R4(h) strictly on their merit and in accordance with law, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment. Respondent No.1 shall ensure that the petitioner and the Manager are afforded sufficient opportunity to be heard before any decision is taken in the matter.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition and counter affidavit filed by the Manager before respondent No.1 for compliance.

A.K. Basheer
Judge.

an.